

SENATORS LANE, BELL AND UPSHAW

Opposed it.

SENATOR GREGG

Moved to amend the substitute as follows:

Insert after word "performed," in section 1, line 4, the following: "And all persons who may have furnished material to be used in the construction or repair of any railroads, locomotives, car or other equipment or property of a railroad," and insert after second committee amendment the following: "Or for such material furnished."

Accepted.

Lost.

The bill was passed to third reading.

SENATOR DAVIS

Moved to adjourn till 10 o'clock Monday morning.

SENATOR BELL

Moved to adjourn until 3 o'clock this afternoon.

The first motion was adopted and the Senate adjourned till 10 o'clock Monday morning by the following vote:

YEAS—19.

Abercrombie,	Houston,
Armistead,	Jarvis,
Burges,	Knittle,
Burney,	Lane,
Calhoun,	MacManus,
Camp,	Pope,
Davis,	Stinson,
Douglass of J.	Terrell,
Garrison,	Upshaw,
Gregg,	

NAYS—9.

Allen,	Frank,
Bell,	Harrison,
Claiborne,	McDonald,
Douglass of G.	Woods.
Field,	

ABSENT—1.

Simkins.

#### FORTY-SECOND DAY.

SENATE CHAMBER, }

AUSTIN, TEXAS, February 28, 1887. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Davis,

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Woods,

Senator Davis was excused for one week on account of important business.

On motion of Senator Jarvis,

Mr. Hennessy, the Sergeant-at-Arms, was excused for two days.

#### PETITIONS AND MEMORIALS.

BY SENATOR MACMANUS:

Petition of W. H. Jones and other citizens of Val Verde county, asking an appropriation for maintenance of frontier battalion of State troops.

Referred to Committee on Military Affairs.

The President gave notice of the signing of Senate bill No. 31:

"An act to amend Article 1636 of the Revised Civil Statutes of the State of Texas, adopted by the regular session of the Sixteenth Legislature."

#### REPORTS OF STANDING COMMITTEES.

BY SENATOR M'DONALD.

COMMITTEE ROOM, }

AUSTIN, February 26, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 210, entitled:

"An act to create the office of Public Weigher, to regulate the appointment and election thereto, to define the duties and liabilities thereof, and to reduce into one act the several acts and laws of the State of Texas in relation thereto," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD, acting chairman.

Bill read first time.

BY SENATOR MACMANUS:

COMMITTEE ROOM, }

AUSTIN, February 28, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Stock and Stockraising to whom was referred House bill No. 39, entitled:

"An act to amend section 46, chapter 25, of the acts of 1885, entitled 'an

act to amend chapter 79, of the act of 1883 entitled an act to amend section 46, of an act to encourage stock-raising and to protect stockraisers, approved April 22, 1879 and amended April 4, 1881 and April 12, 1883," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MACMANUS, chairman.

Bill read first time.

BY SENATOR TERRELL:

COMMITTEE ROOM, }

AUSTIN, February 26, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 238, entitled:

"An act to authorize commissioners' courts to purchase dogs for the purposes of aiding in the arrest of criminals," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, February 26, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 1, to whom was referred House bill No. 124, entitled:

"An act to amend Article 3635, title 78, of the Revised Civil Statutes, relating to the recording of physicians' certificates," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, February 26, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 253, entitled:

"An act to fix and determine the venue of suits to recover damages for wrongfully and maliciously serving out

writs of attachment, and procuring property to be seized thereunder," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, February 26, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Judiciary No. 1, to whom was referred Senate bill No. 242, entitled:

"An act to validate deeds of conveyance of lands of private corporations signed by the Vice-President thereof and sealed with the common seal of said corporation, and to validate the record of such deeds," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, February 26, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 1, to whom was referred House bill No. 115, entitled:

"An act to restore the civil jurisdiction of the county court of Bosque county, and to repeal all laws in conflict therewith," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, February 26, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 289, entitled:

"An act to amend Article 1652, of the Revised Civil Statutes, relating to descent and distribution of estates," have had the same under consideration, and instruct me to report

it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, February 26, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 240, entitled:

"An act to amend Article 1639a of an act to amend title 32, chapter 17, of the Revised Statutes of the State of Texas, approved April 14, 1883," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, February 26, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 271, entitled:

"An act requiring sheriffs to report to the Adjutant General upon the adjournment of the district courts in the several counties of this State, lists of all fugitives under indictment for felony in said counties; to provide the means and mode of securing such lists, and to prescribe the punishment for a failure or refusal to forward them," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, chairman,

Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, February 26, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 254, entitled:

"An act to prevent the causes of action for injury done the person or reputation from abatement upon death of the injured person," have had the same under consideration, and instruct me

to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, February 26, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 239, entitled:

"An act to amend Article 2899 of the Revised Civil Statutes of the State of Texas, in relation to the recovery of damages for injuries resulting in death," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, February 26, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 269, entitled:

"An act to amend chapter 4, title 17, of the Revised Civil Statutes of the State of Texas, by adding thereto Article 410a, relating to the hiring of city prisoners, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, chairman.

Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, February 26, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 243, entitled:

"An act to amend Article 600 of title 20, chapter 4, of the Revised Civil Statutes of the State of Texas, providing that any corporation may convey lands by deed sealed with the common seal of the corporations and signed by the president, vice-president or the presiding member or the trustee of said corporation," have had the same under consideration, and instruct me

to report it back to the Senate with the recommendation that it do pass. All of which is respectfully submitted.

TERRELL, chairman.  
Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, February 26, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 252, entitled:

"An act to allow parties to divorce suits to testify in their own behalf," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted. TERRELL, chairman.  
Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, February 26, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 281, entitled:

"An act to create a commission of arbitration and award, and define the power and duties thereof, and to make an appropriation to pay the salaries of the judges thereof," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

TERRELL, chairman.  
Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, February 26, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 1, to whom was recommended substitute House bill No. 75, entitled:

"An act to amend the charter of the city of Galveston by amending sections 2, 3, 4, 19, 23, 54, 113, 116, 122 and 127 thereof, and by adding thereto sections 18a, 73a, 96a, 131a and 132a," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TERRELL, Chairman.

SENATE CHAMBER, }  
AUSTIN, February 26, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 1, to whom was recommitted Senate bill No. 180, entitled:

"An act to prohibit the removal of land and soil from islands on the Gulf coast of Texas," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TERRELL, chairman.  
Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, February 26, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 65, entitled:

"An act to amend Articles 1719, 1720, 1721, 1722, 1723, 1731, 1743, 1744 and 1752, of the Revised Civil Statutes of the State of Texas, relating to contested elections," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do lie upon the table.

All of which is respectfully submitted.

TERRELL, chairman.  
Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, TEXAS, February 26, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 276, entitled:

"An act to amend article 3454, title 68, of the Revised Civil Statutes of the State of Texas, relating to limited partnerships," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

TERRELL, chairman.  
Bill read first time.

BY SENATOR JARVIS:

COMMITTEE ROOM, }  
AUSTIN, February 26, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Finance,

to whom was referred Senate bill No. 288, entitled:

"An act to reimburse W. T. Johnson for the actual expenses incurred in the pursuit, capture and delivery of James Davenport, who killed E. M. Herford in Presidio county August 7, 1886," have had the same under consideration and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

JARVIS, chairman.

Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, February 26, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Finance, to whom was referred Senate bill No. 287, entitled:

"An act to provide for the better payment and to regulate the manner of payment of fees to county judges, justices of the peace, sheriffs, constables, district and county attorneys and district clerks for services rendered in certain felony cases," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass, for the reason that a bill has already been reported back to the Senate covering the subjects embraced in this bill.

All of which is respectfully submitted.

JARVIS, chairman.

Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, February 26, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Finance, to whom was referred Senate bill No. 284, entitled:

"An act for the relief of Nathan A. Osmer," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

JARVIS, chairman.

Bill read first time.

COMMITTEE ROOM, }  
AUSTIN, February 26, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Finance, to

whom was referred House bill No. 101, entitled:

"An act to amend sections 1 and 4 as amended by an act entitled 'an act to amend sections 1 and 4 of an act to regulate the sale of spirituous, vinous and malt liquors, or medicated bitters, to fix the rate of occupation taxes upon all persons, firms, or association of persons engaged in the sale of spirituous, vinous or malt liquors, or medicated bitters; to define the time and manner of collecting such tax, and to affix penalties for failure to pay the same, and to repeal all laws and parts of laws in conflict with the provisions of this act, approved April 4, 1881,' have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Amend section 4, page 2, by striking out the words "payable to the county judge of the county in which such occupation is to be followed," and insert in lieu thereof the words "payable to the State."

Amend lines 7 and 8, page 5, by striking out the words "in the name of the county judge of the county," and insert in lieu thereof the words "in the name of the State."

All of which is respectfully submitted.

JARVIS, chairman.

Bill read first time.

BY SENATOR FRANK:

SENATE CHAMBER, }  
AUSTIN, February 26, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Engrossed Bills have carefully examined Substitute Senate Joint Resolution No. 3:

"Proposing the submission of an amendment to section 12, of Article 8, of the State Constitution," and find the same correctly engrossed.

FRANK, chairman.

SENATE CHAMBER, }  
AUSTIN, February 26, 1887. }  
*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 278 entitled:

"An act to amend article 4247, chapter 10, title 84, of the Revised Civil Statutes of the State of Texas."

And find the same correctly engrossed.

FRANK, chairman.

On motion of Senator Burges,  
Senate bill No. 276 was re-referred to  
Judiciary Committee No. 1.

### BILLS AND RESOLUTIONS

BY SENATOR WOODS:

A bill to be entitled:

"An act to amend an act to amend  
sections 9 and 10 of an act to provide  
for the classification, sale and lease of  
the lands heretofore or hereafter sur-  
veyed and set apart for the benefit of  
the Common School, University, the  
Lunatic, Blind, Deaf and Dumb and  
Orphan Asylum funds."

Referred to Committee on Educa-  
tion.

And,

A bill to be entitled:

"An act to repeal an act entitled,  
an act to prevent the forfeiture of the  
rights of purchasers of public free  
schools, University or asylum lands."

Referred to Committee on Educa-  
tion.

BY SENATOR WOODWARD:

A bill to be entitled:

"An act to amend Article 79, chap-  
ter 5, title 2, of the Code of Criminal  
Procedure."

Referred to Judiciary Committee  
No. 2.

The bill amends the law so that jus-  
tices of the peace can only try criminal  
causes at the regular terms of court,  
etc.

BY SENATOR ABERCROMBIE:

Joint resolution amending Article 10,  
section 2 of the Constitution of the  
State of Texas.

Referred to Committee on Consti-  
tutional Amendments.

BY SENATOR STINSON:

A bill to be entitled:

"An act to amend section 1, Article  
559, and section 3, Article 560, of the  
Code of Criminal Procedure of the  
State of Texas."

The bill relates to continuances, etc.

BY SENATOR MACMANUS:

A bill to be entitled:

"An act to equalize taxation in the  
State of Texas and to provide means  
for the same".

Referred to Committee on Finance.

BY SENATOR FRANK:

A bill to be entitled:

"An act to amend sections 4 and 5,  
of an act to provide for the relief of  
citizens of Texas suffering by reason of

the drouth, to make an appropriation  
therefor and to prescribe the manner  
in which it shall be distributed."'  
Approved January 31, 1887.

Referred to special Drouth Relief  
Committee.

On motion of Senator Terrell,

The regular order of business was  
suspended,

And,

Senate bill No. 219,

A bill to be entitled:

"An act to provide for the sale and  
lease of all the public lands and of all  
lands heretofore or hereafter surveyed  
and set apart for the benefit of the  
common schools, the University, and  
the several asylums, and to prevent  
the free use or unlawful enclosure of  
such lands," was taken up, read sec-  
ond time with favorable committee  
report and committee substitute.

On motion of Senator Harrison,

The committee substitute for the  
bill was adopted.

SENATOR ALLEN

Moved to strike out "Asylum" in lines  
4 and 5, and substitute "Institute."

SENATOR ALLEN

Favored the amendment, and Senators  
Bell and MacManus opposed the  
amendment, and it was lost.

SENATOR ABERCROMBIE

Moved to amend by striking out the  
word "University," in line 3, section 1.

SENATOR HOUSTON

Favored the amendment, and

SENATOR M'DONALD

Opposed it.

SENATOR ABERCROMBIE

Withdrew the amendment.

SENATOR LANE

Offered the following amendment:

Amend by striking out the words  
"the University," in line 3, section 1.

SENATOR LANE

Explained the amendment and favored  
it.

On motion of Senator Harrison,

The amendment was laid on the ta-  
ble subject to call.

SENATOR HARRISON

Offered the following amendment:

Amend section 2, page 2, line 7, by  
adding, "and it shall be the duty of

such commissioner to call upon the Attorney General for advice, whenever there is any doubt as to the meaning of this act, or any provision thereof."

SENATOR HARRISON

Explained the amendment, and it was adopted.

SENATOR WOODWARD

Moved to amend section 4, on page 3, by striking out the word "of," in line 4, between the words "streams" and "other," and inserting in lieu thereof the word "and."

Adopted.

SENATOR LANE

Moved to amend by striking out the word "four" in line 7 of section 5, and insert "ten."

SENATOR LANE

Favored the amendment.

SENATORS M'DONALD, WOODS AND ALLEN

Opposed it.

SENATOR TERRELL

Favored it.

SENATOR FRANK

Offered the following substitute for the amendment:

By striking out all after the word "acre" in line 5, section 5, down to and including the word "settler" in line 7.

SENATORS FRANK, ALLEN, WOODWARD, BELL AND CALHOUN

Favored the substitute.

SENATORS LANE, HARRISON, TERRELL, BURNEY, BURGESS AND HOUSTON

Opposed the substitute.

The amendment of Senator Lane was lost by the following vote:

YEAS—6.

Burges,	Lane,
Burney,	Terrell,
Knittle,	Woodard.

NAYS—20.

Abercrombie,	Garrison,
Allen,	Gregg,
Armistead,	Harrison,
Bell,	Houston,
Calhoun,	Jarvis,
Camp,	McDonald,
Douglass of J.	Simkins,
Douglass of G.	Stinson,
Field,	Upshaw
Frank,	Woods.

ABSENT—3.

Claiborne,  
MacManus,

Pope.

The amendment (substitute) by Senator Frank was lost by the following vote:

YEAS—12.

Abercrombie,	Garrison,
Allen,	Houston,
Bell,	Jarvis,
Calhoun,	Simkins,
Field,	Stinson,
Frank,	Upshaw.

NAYS—14.

Armistead,	Harrison,
Burges,	Knittle,
Burney,	Lane,
Camp,	McDonald,
Douglass of J.,	Terrell,
Douglass of G.,	Woods.
Gregg,	Woodward.

ABSENT—3.

Claiborne,  
MacManus,

Pope.

SENATOR HOUSTON

Offered the following amendment:

"In line 7, section 5, after the word 'four' insert the word 'contiguous.'"

SENATOR HOUSTON

Spoke in favor of the amendment.

SENATOR TERRELL

Offered the following substitute for the amendment:

"Amend by striking out in line 7 in section 5 the word 'four' and inserting the word 'five.' and by adding after the word 'settler' in said line the words 'provided that said sections at some point adjoin each other.'"

Accepted.

SENATOR CALHOUN

Opposed the amendment.

SENATOR TERRELL

Favored the amendment.

SENATOR CALHOUN

Moved to substitute "four" for "five," as it appears in the amendment.

SENATOR CALHOUN

Spoke in favor of the substitute, and

THE PRESIDENT

Ruled both the substitute and the amendment out of order.

On motion of Senator Lane,  
The Senate adjourned till 3 o'clock  
this afternoon.

### AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

By leave,

### SENATOR ARMISTEAD

Sent up the following committee report:

COMMITTEE ROOM, }  
AUSTIN, February 28, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—Your Committee on State Asylums to whom was referred Senate bill No. 261, entitled:

"An act to provide for the purchase of a site for and the establishment location, construction and maintenance of a State Orphan Home," have had the same under consideration, and instruct me to report back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ARMISTEAD, chairman.

Bill read first time.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }  
AUSTIN, February 28, 1887. }

*Hon. T. B. Wheeler, President of the Senate:*

Sir—I am instructed by the House to inform the Senate that the House has passed:

House bill 284.

"An act to amend section 5 of an act approved February 6, 1884, entitled an act to amend sections 5, 7, 26 and 39, of an act entitled an act to redistrict the State into judicial districts, and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883."

Also,

That the House concurs in Senate amendments to House amendment to Senate bill No. 45,

"An act to amend an act entitled 'an act to amend Article 3602, chapter 10, title 71, of the Revised Civil Statutes of the State of Texas, relative to the hiring of county convicts.'"

WILL LAMBERT,  
Chief Clerk House of Representatives.

### THE PRESIDENT

Referred House bill No. 284 to Committee on Judicial Districts.

On motion of Senator McDonald,  
The regular order of business was suspended and the consideration of substitute Senate bill No. 219 (the land bill) was resumed.

### SENATOR TERRELL

Moved to reconsider the vote by which the substitute offered by Senator Frank was lost.

The motion was lost by the following vote:

YEAS—10.

Abercrombie,	Jarvis,
Camp,	Lane,
Garrison,	McDonald,
Gregg,	MacManus,
Houston,	Terrell.

NAYS—15.

Allen,	Frank,
Armistead,	Harrison,
Bell,	Knittle,
Burges,	Stinson,
Burney,	Upshaw,
Calhoun,	Woods,
Douglass of G,	Woodward.
Field,	

ABSENT—4.

Claiborne,	Pope,
Douglass of J,	Simkins.

### SENATOR LANE

Moved to amend by adding to section 7 the words "provided this section shall not apply to land on which minerals are discovered after the land is sold."

### SENATOR LANE

Favored the amendment.

Senators Woods, McDonald, Harrison and Burney opposed it.

### SENATOR HOUSTON

Offered the following substitute for the amendment:



After the word 'lumber' in line 6, section 7, add the words 'one-half of.'"  
Accepted.

SENATOR M'DONALD

Opposed the amendment,  
And.

SENATOR BURGESS

Favored it, and it was lost.

SENATOR CALHOUN

Moved to amend section 7, line 6, by striking out from the word "having" down to "lumber" inclusive, and inserting in lieu thereof the words "valuable chiefly for the timber thereon."

SENATOR CALHOUN

Spoke in favor of the amendment, and it was adopted.

SENATOR BURGESS

Moved to amend section 7, by adding at the end of said section as follows:

Provided that the lands belonging to the Public School fund and classed as pasture land may be sold at not less than one dollar per acre.

Senator Burgess spoke in favor, and Senators Woods and Bell in opposition to the amendment, and it was lost by the following vote:

YEAS—5.

Burgess,	Lane,
Burney,	Woodard.
Knittle,	

NAYS—21.

Abercrombie,	Garrison,
Allen,	Gregg,
Armistead,	Harrison,
Bell,	Houston,
Calhoun,	Jarvis,
Camp,	McDonald,
Claiborne,	MacManus,
Douglass of J,	Simkins,
Douglass of G,	Stinson,
Field,	Woods.
Frank,	

ABSENT—3.

Pope,	Upshaw.
Terrell,	

SENATOR LANE

Sent up the following reasons to be spread on the Journal:

I vote "aye" on the amendment of-

ferred by Senator Burgess, because the bill if passed allows the Commissioner at his own sweet will to sell any lands belonging to the State at the minimum price, regardless of its real value and if we are to place so much and such important discretion in the hands of any one man, I see no reason why we should not allow him to sell at less than the minimum, if in his *good* judgment he sees proper to do so.

I am opposed to such discretion altogether and believe that the price should be fixed absolutely by law on each class of land, after it is classed.

LANE.

SENATOR HOUSTON

Offered the following amendment to section 8; add,

"Provided, that any actual bona fide settler, who owns or has applied to purchase one section and no more prior to this enactment, shall have the right to purchase two dry and one natural sections, or three dry sections, without being held to a compliance with the oath herein provided."

SENATORS HARRISON AND ALLEN

Opposed the amendment.

SENATOR HOUSTON

Favored the amendment, and it was adopted by the following vote:

YEAS—14.

Abercrombie,	Houston,
Bell,	Jarvis,
Burney,	Knittle,
Camp,	Lane,
Field,	MacManus,
Garrison,	Terrell,
Harrison,	Woodward.

NAYS—11.

Allen,	Gregg,
Armistead,	McDonald,
Calhoun,	Simkins,
Claiborne,	Stinson,
Douglass of G,	Woods.
Frank,	

ABSENT—4.

Burgess,	Pope,
Douglass of J,	Upshaw.

SENATOR HOUSTON

Moved to add to section 6.

"That no party who has perfected his application under the provisions

hereof shall be permitted at any subsequent time to file an application for a different tract of land."

Lost.

SENATOR STINSON

Moved to adjourn until 10 o'clock to-morrow morning.

Lost.

SENATOR BELL

Moved to amend section 9 as follows:

"Amend by striking out the words 'and will in good faith settle thereon within six months from the date of his purchase,' in lines 7 and 8, and insert in lieu thereof 'and has in good faith settled thereon.'"

SENATOR BELL

Spoke in favor of the amendment,

And

It was adopted.

SENATOR WOODS

Moved to amend section 9, line 3 and line 6, by striking out "August," and insert "June."

SENATOR WOODS

Explained the amendment and it was adopted.

SENATOR HOUSTON

Offered the following amendment.

Strike out all in line 1, section 10 to words "purchasers" in line 7 and substitute:

"Section 10. That no patent shall issue upon any application until three years from the date of filing such application, and until the payment of the entire amount of principal and accrued interest due the State at such time, and if at the expiration of such time the original applicant; or, if he be dead, his widow, or, in case of her death, his heir or devisee, or in case of a widow making such application, her heir or devisee in case of her death, proves, as hereinafter provided, before the county clerk of the county wherein said land is situated, or if in an unorganized county, the county to which such unorganized county is attached for surveying purposes, that he, she or they, have resided upon or cultivated the same continuously for a term of three years immediately succeeding the filing of such application, and makes affidavit that no part of said land has been alienated except as herein-

after provided. Such proof shall be committed in writing, signed and sworn to before the county clerk aforesaid, who shall forward the same to the State Treasurer, with his certificate of the credibility of the parties making such proof, and of the fact of the publication of intention to make proof of final settlement as herein-after required.

That before final proof shall be submitted by any applicant under the provisions of this act, such person shall file with the clerk of the county court of the proper county, written notice of his or her intention to make such proof. Said notice shall describe said lands by metres and bounds, number of acres, survey number, certificate number, name of individual or corporation to whom was issued the certificate by virtue of which such location was made, and the county wherein situated, and the names of the witnesses by whom the necessary facts will be established. In no case shall a less number than two witnesses besides applicant be sufficient to make final proof. And if any witness making such proof, or the said applicant, shall swear falsely as to any material matter contained in such proof, affidavits or oaths, such swearing being wilful and corrupt, he shall be punished as provided in Article — of the Penal Code.

That upon the filing of the notice required by the preceding section, the said county clerk shall publish a notice that said application has been made once a week for four consecutive weeks in any newspaper to be by him designated as published nearest such lands; provided, preference shall always be given to the paper or papers, if any, published in the land district wherein such land is situated, and he shall further post such notice on the court house door, and in two other conspicuous places in the county. At any time within thirty days of the expiration of the said four consecutive weeks, the said applicant shall make proof in the manner herein provided. For hearing such proof the county clerk shall receive a fee of three dollars, to be paid by applicant, for his services under this section, the clerk of the county court shall receive a fee of two dollars and fifty cents, to be paid by applicant. At any time after three years from the filing of his application any person upon compliance with the provisions of this act in reference to payments and publication of notice of

intention to make final proof, and upon final proof of continuous occupancy from the filing of said application until the making of such proof, shall be entitled to a patent for the land included in such application.

That after any applicant, his heirs, devisee or assignee has made proof of occupancy of the land applied for, as herein required, and has paid for the same, the State Treasurer shall forward said application with the proof of occupancy, and the receipted obligation to the Commissioner of the General Land Office, who shall, upon the receipt thereof, issue to the applicant, his heir or devisee or assignee, a patent for said land.

SENATOR HOUSTON

Spoke in favor of the amendment.  
(Senator Gregg in the chair.)

SENATORS BURNEY AND BELL

Opposed the amendment and it was lost.

SENATOR BELL

Moved to amend by striking out the words in lines 15 and 16, "will in good faith settle thereon within six months from the date of this purchase" and insert in lieu thereof "has in good faith settled thereon."

Adopted.

On motion of Senator Burney,  
The Senate adjourned till 10 o'clock to-morrow morning.

#### FORTY-THIRD DAY.

SENATE CHAMBER, }

AUSTIN, TEXAS, March 1, 1887. }

The Senate met pursuant to adjournment.

Lieut.-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Houston,

The reading of the Journal of yesterday was dispensed with.

SENATOR LANE

Asked to have the Journal corrected to show that the Senate voted first on the amendment offered by him to section 5 of the land bill and afterward on the amendment offered as a substitute by Senator Frank for his amendment.

(Journal corrected.)

On motion of Senator MacManus,  
Senate bill No. 116 and Senate bill

No. 112 were made the special order for Friday next, after morning call, and from day to day till disposed of.

#### REPORTS OF STANDING COMMITTEES.

BY SENATOR HOUSTON:

COMMITTEE ROOM. }

AUSTIN, February 28, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Constitutional Amendments, to whom was referred the joint resolution, adopted as substitute for House joint resolution Nos. 5 and 13, and House bill No. 26, to amend section 2, of Article 6, of the Constitution of the State of Texas, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendment:

In line 8, page 2, after the word "laws" strike out word "thereof."

All of which is respectfully submitted.

HOUSTON, chairman.

Joint resolution read first time.

COMMITTEE ROOM. }

AUSTIN, February 28, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Constitutional Amendments to whom was referred joint resolution to amend section 2, of article 6, of the Constitution of the State of Texas, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be laid on the table.

All of which is respectfully submitted.

HOUSTON, chairman.

Joint resolution read first time.

COMMITTEE ROOM, }

AUSTIN, February 28, 1887. }

Hon. T. B. Wheeler, President of the Senate:

Sir—Your Committee on Constitutional Amendments, to whom was referred Senate joint resolution No. 18, to Article 16, section 20, of the Constitution of the State of Texas, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

HOUSTON, chairman.